

## REMARKS

I. Allowable Claims

Applicants thank the Office for acknowledging that Claim 5 is allowable if amended. Applicants have amended Claim 5 to remove reference to the rejected base claim and incorporating the appropriate limitations therein.

II. Rejection of Claims 1 and 2 under 35 USC 102(b) as anticipated by Pfeifer et al.

A. All of the claim limitations are not taught, suggested or otherwise anticipated by the teaching of Pfeifer et al. as the Office has failed to note that the cell line of Pfeifer et al. does not express CYPIA2.

Contrary to the Office's characterization of the teaching of Pfeifer et al., Applicants believe that in fact Pfeifer et al teaches that the cell line they possessed does not express CYPIA2. Thus the asserted art does not anticipate the cells of the claimed invention as the asserted art fails to teach or suggest each and every limitation of the claims.

"These data suggest the presence and function of CYPIA2/1A1, CYPIIE1 and CYPIII $\alpha$ 4 in these cells. ... However, CYPIA2, the predominant isoform in human liver, ..., were not detected by RNA blot analysis. The AFB-1 DNA adducts, therefore, might have been formed through a mechanism involving CYPIA1 (12, 13)."

(Pfeifer et al. page 5127, left column starting at line 19; *emphasis added*).

This rejection should be withdrawn.

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B. The Office admits that Pfeifer et al. does not teach that their cell line can express all of the enzymes of the claimed invention.

As admitted by the Office, Pfeifer et al. does not teach or suggest that their cell line can express all of the enzymes. The citation to *Atlas Powder Co. v. Ireco, Inc.* is improperly applied to the facts of the present case, as there is no reasonable belief that the teaching of the asserted art "meets the structural limitations of the claimed invention". It is admitted that Pfeifer et al do not teach the expression of CYP3A.

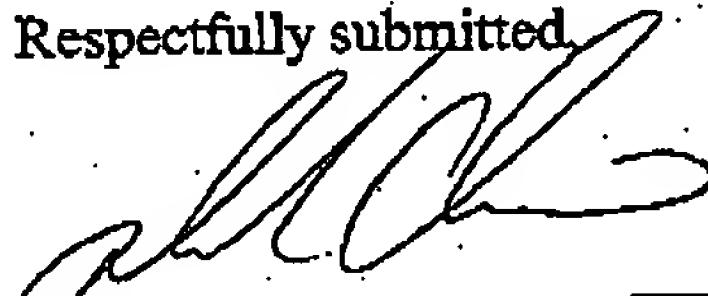
Furthermore, the mere possibility that Pfeifer's cell line *could* express any enzyme does not anticipate the claimed invention, since such activity is not reasonably predictable, especially in view of the fact that the cell line does not express CYP1A2.

Since the cited art does not teach or suggest all of the features of the claimed invention this rejection must be withdrawn.

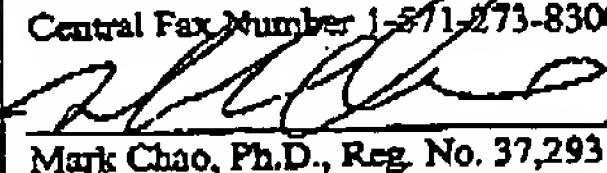
III. Conclusion

Reconsideration of the claims as amended in view of the traverse made above is respectfully solicited.

Respectfully submitted,



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The undersigned hereby certifies that this paper(s) is(are) being transmitted via facsimile to the Commissioner for Patents, PO Box 1450, Arlington, VA 22313-1450 on this date Jan 11, 2006, to the Central Fax Number 1-571-273-8300.	
	
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